

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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Anthony Marciano, individually, and on behalf of all other
individuals similarly situated,

Plaintiff,

-against-

BILL DE BLASIO, MAYOR OF THE CITY OF NEW
YORK, in his official capacity; DAVE A. CHOCKSHI,
COMMISSIONER OF HEALTH AND MENTAL
HYGIENE, in his official capacity; DERMOT SHEA,
POLICE COMMISSIONER, in his official capacity;
THE NEW YORK CITY BOARD OF HEALTH; and
THE CITY OF NEW YORK,

Defendants.
----- X

**DECLARATION OF IVÁN A.
MÉNDEZ, JR. IN SUPPORT
OF DEFENDANTS' MOTION
TO DISSOLVE THE STATE
SUPREME COURT'S
TEMPORARY
RESTRAINING ORDER**

No. 21 Civ. 10752 (JSR) (BCM)

IVÁN A. MÉNDEZ, JR., declares that the following is true and correct under
penalty of perjury pursuant to 28 U.S.C. § 1746:

1. I am an Assistant Corporation Counsel in the office of Georgia M. Pestana,
Corporation Counsel of the City of New York, attorney for Defendants in the above referenced
action.

2. I submit this declaration in support of Defendants' motion, pursuant to 28
U.S.C. § 1450, to dissolve the state supreme court's temporary restraining order issued from the
bench on December 14, 2021, to put before the Court certain documents relied upon in Defendants'
motion.

3. Defendants annex the following documents in support of their motion:

Exhibit A: DOHMH Order;

Exhibit B: 11/1/21 New York City Board of Health hearing transcript;

Exhibit C: NYPD Administrative Bulletin;

Exhibit D: NYPD Operations Order 79;

Exhibit E: Unofficial transcript of TRO hearing held before the Hon. Frank P. Nervo on December 14, 2021 (Note: The Court did not issue a written order, and has not certified the hearing transcript);

Exhibit F: Decision in Ansbro v. City of NY, Index No. 159738/21 (Sup. Ct. NY Co.) (Dec. 20, 2021); and

Exhibit G: Dec. 9, 2021 Affidavit of Michael Melocowsky submitted in connection with PBA v. City of NY, Index. No. 160674/2021.

I declare under penalty of perjury that the foregoing is true and correct.

Executed On: New York, New York
December 27, 2021

Iván A. Méndez, Jr.

Iván A. Méndez, Jr.

Assistant Corporation Counsel